AMENDMENTS TO THE DRAWINGS

FIGURE has been amended to change a reference literal for a configuration module from "M" to "MC", for the first measuring appliance from "M" to M1" and to delete the label "Figure unique".

Attachment: Replacement Sheet 1 containing FIGURE.

REMARKS

Claims 1-18, 20-25 and 27-29 are all the claims pending in the application. By this Amendment, Applicants amend claims 2-18, 20-25 and 27, and add claims 28-29. No new subject matter has been entered. The amendment to claims 2-18, 20-25 and 27 are made for reasons of precision of language and consistency, and does not narrow the literal scope of the claims and thus does not implicate an estoppel in the application of the doctrine of equivalents.

I. Preliminary Matters

Applicants thank the Examiner for acknowledging Applicants' claim to foreign priority. Applicants ask the Examiner to confirm a receipt of the certified copy of the Priority Document in this application, filed April 16, 2004.

Applicants also thank the Examiner for considering the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on April 16, 2004 and for accepting the drawings also filed on April 16, 2004.

II. Amendments to the Drawings

Figure has been amended to cure minor informalities. No new subject mater has been entered. Specifically:

a. A reference label for the configuration module has been changed from "M" to "MC".

b. A reference label for the first measuring appliance has been changed from "M" to "M1".

c. The label "Figure unique" has been deleted.

It is respectfully requested that the original drawing sheet 1 containing the figure be replace with the replacement sheet 1.

III. Objections to the Specification

The specification stands objected to because of the informalities.

The specification has been amended to alleviate Examiner's objections. It is respectfully requested that the objections to the specification be withdrawn.

IV. Claim Rejections - 35 U.S.C. § 112

The claims stand rejected under 35 U.S.C. § 112, second paragraph.

The claims have been amended to alleviate Examiner's rejections. It is respectfully requested that this ground of rejections to the claims be withdrawn.

V. Claim Rejections - 35 U.S.C. § 102

Claims 1-5 and 25-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fletcher et al. (U.S. Patent No. 6,108,782). Applicants respectfully traverse.

Claim 1 recites among other elements: "monitoring means (MM) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Mi) as a function of at least its measuring process and overall measurement specifications."

1. Fletcher does not collect parameters of end-to-end type data streams in a network composed of at least two domains coupled together, each equipped with a measuring appliance capable of delivering local measurements representing parameter values of local end-to-end data streams

Fletcher describes a local area network (LAN) 40 comprising LAN intermediate systems 60-63 for data transmission throughout the LAN and a number of end systems (ESs) 50a-d, 51a-c, and 52a-g. (Col. 1, lines 54-65.) The ESs may be end-user data processing equipment such as personal computers, workstations, printers, digital devices such as digital telephones or real-time video displays. (Col. 1, lines 64-67, col. 2, lines 1-3.) Each individual group of the end systems is coupled to an intermediate device (IS) which includes an associated dRMON collector. Thus, Fletcher describes that each IS collects information from the individual end users. As clearly seen in Fig. 1, the end user systems (ES) 52a-e, 51a-c and 50a-c are not coupled to one another to allow an overall end-to-end stream to traverse at least two coupled domains. Fletcher does not teach or suggest the measuring appliance that collects information of the local end-to-end data stream which belongs to the overall data stream which traverses at least two domains, coupled together.

2. Fletcher does not teach or suggest the monitoring module which constitutes configuration for the measuring appliances disposed in at least two domains of the network

Fletcher describes the dRMON collector which is coupled to a group of end users. On a periodic basis, initiated by a polling packet from the dRMON collector, the dRMON agents forward their statistics and/or captured packets to a dRMON collector. (Col. 6, lines 25-29.) The dRMON collector manages agent configuration and RMON configuration. Therefore, the collector does not oversee the operation of the entire network but only the associated agents. Accordingly, the dRMON collector may determine configuration for the associated agents only. The dRMON collector does not determine configuration for the agents associated with other dRMON collectors of the network. Moreover, the dRMON collector determines the configuration for the agents and not for the ISs. Additionally, since each dRMON collector is associated with a particular IS, Fletcher's dRMON collector can not constitute configuration for the ISs which are not associated with this particular dRMON collector. Therefore, Fletcher does not teach or suggest the monitoring module which determines configuration for the measuring appliances disposed in at least two domains of the network.

3. Fletcher does not teach or suggest the monitoring means to order the constitution of a specific measurement configuration in each measuring appliance as a function of at least its measuring process and overall measurement specifications

Fletcher teaches that the dRMON collector manages agent configuration and RMON configuration. Agent configuration refers to how much memory/storage for the agent to reserve for RMON data space, version management, etc. RMON configuration consists of filter settings, historical sampling intervals and other RMON MIB-defined user-settable options as well as the newly accepted Aspen MIB for standards-based probe configuration. (col. 12, lines 55-64.) Therefore, the dRMON collector does not constitute measurement configuration for each measuring appliance based on its measuring process, wherein the measuring appliances of the network implement the various measuring processes.

4. Fletcher does not teach or suggest that the ISs implement various measuring processes

Fletcher describes dRMON agents that are placed within each (or a subset) of the ESs to capture and analyze packets that only their native ES sends or receives. (Col. 6, lines 12-18.) RMON Engine 110 takes the packet stream received from the network and subjects it to RMON analyses as configured via the collector. (Col. 8, lines 57-60.) On a periodic basis, initiated by a polling packet from the collector, the dRMON agents forward their statistics and/or captured packets to a dRMON collector. (Col. 6, lines 25-35.) Therefore, Fletcher teaches only the RMON analysis process. Fletcher does not teach or suggest using various measuring processes in the network.

Because Fletcher does not teach or suggest at least "a device for managing the measurement of parameters of end-to-end type data streams in a communication network (N) composed of at least two domains (Ai) coupled together, and each equipped with a measuring appliance ..., where said measuring appliances (Mi) implement various measuring processes" and/or "monitoring means (MM) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Mi) as a function of at least its measuring process and overall measurement specifications," it is respectfully submitted that **claim 1 and dependent claims 2-8, 16-25 and 27** distinguish patentably and unobviously over Fletcher.

VI. Claim Rejections - 35 U.S.C. § 103

Claims 16-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher et al. (U.S. Patent No. 6,108,782) in view of Amemiya (U.S. Patent Application Publication No. 2003/0055946).

Claims 16-24 depend on claim 1. Applicants have already demonstrated that Fletcher does not meet all the features of independent claim 1. Amemiya does not compensate for the above-identified deficiencies of Fletcher. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since **claims 16-24** depend on claim 1, they are patentable at least by virtue of their dependency.

VII. Allowable Subject Matter

Claims 9-15 stand objected to as being dependent upon a rejected base claim. Applicants thank the Examiner for indicating an allowable subject matter in claims 9-15.

VIII. New Claims

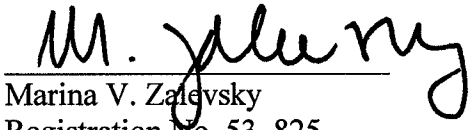
In order to provide more varied protection, Applicants add **claims 28-29**. Claim 28 is patentable by virtue of its dependency and for analogous features set forth therein. Claim 29 is patentable at least for analogous reasons set forth above with respect to claim 1. No new subject matter has been entered.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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